

**In the court of the Principal District Judge, Cuddalore District,
Cuddalore**

**Present: Tmt.G. Subathira Devi, M.L.,
Principal District Judge, Cuddalore.**

Friday, the 21st day of February, 2025

I.A.No.525/2024 in O.S.No.392/2023

S. Anandan

.. Petitioner/Plaintiff

/Versus/

V.Ragini

.. Respondent/Defendant

This petition came on 17.02.2025 before me for final hearing in the presence of Thiru.V.Sampathkumar, Advocate for the Petitioner and of Thiru.S.Ramsingh, Advocate for the Respondent and upon hearing both sides and upon perusing the case records and having stood over for consideration till this day, this Court is passed the following:

ORDER

This petition is filed by the Petitioner/Plaintiff Under Order-8, Rule 9 r/w Sec.151 of CPC for seeking to receive the reply statement in the above Suit in O.S.No.392/2023.

2. The petition averments are as follows:

The petitioner is the plaintiff in the suit. The petitioner has filed the above suit for Specific performance as against the defendant alternatively for refund of advance amount with interest. The respondent has filed written statement with full of false and untenable allegations. Now the petitioner is advised to file reply statement setting forth the truth. Hence, the petitioner seeks to receive the reply

statement in the above suit. Otherwise, the petitioner will suffer irreparable loss and hardship.

3. The counter averments are as follows:

The petition filed by the petitioner is false, vexatious not maintainable and liable to be dismissed with costs. The respondent filed her written statement in the suit. So the above suit is posted for framing of issues. In the mean time this petitioner filed reply statement and denied the written statement contention. But in his affidavit he clearly stated that " Now I am advise to file reply statement setting forth the truth". So, the petitioner admitted that he filed false case as against the respondent and for the proof the above said words will prove the same. So in any event this reply statement is not maintainable at this stage in this case. Hence, the petition is to be dismissed with costs.

4. No oral or documentary evidence adduced on the either side.

5. The point for consideration:

1. Whether the petition is to be allowed or not?

Point -1 :

6. Heard both sides. Perused the case records.

7. On perusal of case records it is found that the petitioner is the plaintiff in the above suit in O.S.No.392/2023. The respondent is the defendant in the above suit. The petitioner has filed the above suit as against the respondent for Specific Performance and alternatively to refund of advance amount with interest. The said suit is posted for framing of issues, the petitioner has filed this petition to receive the reply statement, stating that the respondent has filed her written statement with full of false and untenable allegations and now the petitioner is advised to file the reply statement setting forth the truth. Therefore, it is just and necessary to file a

reply statement denying the allegations set forth in the written statement. Hence, the petitioner also filed reply statement along with this petition. The respondent has not raised serious objection to receive the reply statement. Considering the both side rival submissions and considering the above said reasons and facts and circumstances of the case and in the interest of justice this court feels that the petitioner is to be given an opportunity to establish his case with substantial evidence and complete adjudication. If the petition is allowed, no prejudice will be caused to the respondent. Hence, this petition is allowed. Thus, this point is answered accordingly.

8. In the result, this petition is allowed. No costs.

Dictated to the steno typist and directly typed by her in computer, corrected and pronounced by me in open Court, this the 21st day of February, 2025.

Principal District Judge,
Cuddalore.

Encl:

Both side Witnesses and Exhibits: NIL

Prl.D.J. ,
Cuddalore.